



Office of the
State Superintendent of Education

**U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS**

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)
PART B SPECIAL CONDITIONS
PROGRESS REPORT #1
REPORTING PERIOD APRIL 1, 2011 – SEPTEMBER 30, 2011

SUBMITTED: OCTOBER 31, 2011
AMENDED: NOVEMBER 16, 2011

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STATE SUPERINTENDENT

I. Reporting Requirements

The Office of the State Superintendent of Education (OSSE) is pleased to submit this progress report pursuant to the special conditions imposed by the USDE Office of Special Education Programs (OSEP) on OSSE's FFY 2011 IDEA Part B grant award.

As outlined in Enclosure E of OSEP's FFY 2011 grant award notice to OSSE, OSSE is required to submit evidence that it has directed use of funds as appropriate and must provide documentation on the status of the use of these funds. This information is provided via OSSE's Corrective Action Plan (CAP) progress report, also due November 1, 2011¹.

In addition, OSSE must submit specific data and information related to:

- Compliance with the requirement to conduct timely initial evaluations and reevaluations,
- Compliance with the requirement to implement HODs in a timely manner,
- Demonstration of a general supervision system that is reasonably designed to effectively correct noncompliance in a timely manner,
- Compliance with secondary transition requirements, and
- Compliance with early childhood transition requirements.

OSEP has also required the District to reduce the backlog of overdue initial evaluations and re-evaluations each reporting period from baseline data as reported in OSSE's May 2, 2011 Memorandum of Agreement (MOA) final report. Specifically, OSSE must reduce the percentage of students remaining in the backlog by 25%, 50%, 75%, and 95% from the number reported in each previous reporting period, beginning with its first progress report. OSSE submits this first progress report to satisfy the above reporting requirements.

Overall, OSSE is pleased to note significant progress related to four of the five core reporting areas outlined above. Specifically, the District has exceeded OSEP's target for improvement in the requirements related to conducting timely initial evaluations and reevaluations in the first reporting period. OSSE believes that this progress is related to effective technical assistance provided to LEAs, including the use of disaggregated data that supports LEAs in correctly identifying root causes and allocating resources to effectively address these causes.

OSSE is also pleased to note progress in the areas of timely HOD implementation and secondary transition. OSSE believes that its targeted efforts to address noncompliant practices via monitoring, training, and data systems updates in these areas are beginning to show results.

¹ Please note that OSSE has addressed the fiscal reporting requirements within its Corrective Action Plan (CAP) report for the same period.

OSSE is pleased to continue to demonstrate that it has developed a system of general supervision designed to effectively correct noncompliance in a timely manner.

OSSE recognizes that continued improvement is needed in the area of early childhood transition and that while the overall rate of timeliness of HODs has improved, OSSE must accelerate gains in HOD backlog reduction as well. OSSE has begun investigating these categories with the LEAs and continues to provide targeted training and technical assistance to address root causes. Based on these efforts, OSSE anticipates showing progress in the subsequent reporting periods. Further, OSSE will continue its work in all areas to ensure continued progress toward achieving 100% compliance with all requirements.

OSSE has described the actions it is taking to accelerate improvement in these areas, both within each related section of the report and within the Corrective Action Plan submitted on August 2, 2011. OSSE looks forward to continuing to report on its accomplishments over the course of the next reporting period, to be reported on February 1, 2012.

1. Compliance with the Requirement to Conduct Initial Evaluations and Placements

Summary of Data for this Reporting Element:

Reporting Period for Initial Evaluations and Placements		4/1/11-9/30/11
A	The number of children who, as of the end of the previous reporting period, had been referred for, but not provided, a timely initial evaluation and placement:	
		192
	1. Previous Report Untimely ²	416
	2. Late Data Entry Adjustment	224
	3. New Untimely	192
B	The number of children referred for initial evaluation and placement whose initial evaluation and placement became overdue during the reporting period	
		176
C	The number of children, from (a) and (b) above, who were provided initial evaluations and placements during the reporting period:	
		248
	1. Old Late	139
	2. New Late	109
D	The number of children who had not been provided a timely initial evaluation and placement at the conclusion of the reporting period:	
		120
	1. Old Late	53
	2. New Late (Due and held during current reporting period but held late)	67
E	The average number of days the initial evaluations and placements that had not been provided in a timely manner were overdue	
		45
F	The percentage of timely initial evaluations and placements provided to children with disabilities whose initial evaluation deadlines fell within the reporting period:	
		83%
	1. New Due	1108
	2. Timely	919

² Data as reported in OSSE's final FFY 2010 Memorandum of Agreement (MOA) Progress Report submitted to OSEP on May 2, 2011.

Reporting Period for Initial Evaluations and Placements		4/1/11-9/30/11
G	The percent of children (a) who, as of the end of the previous reporting period, had not been provided a timely initial evaluation and placement (backlog) and (b) whose initial evaluation and placement became overdue during the period, that were provided initial evaluations and placements during the reporting period (c) / (a) + (b) X 100	67%

Discussion of Reported Data:

Timeliness: **83%** of initial evaluations and placements provided to children with disabilities whose initial evaluation deadlines fell within the reporting period were conducted in a timely manner. The calculation used to derive that percentage is 919/1108. This rate of timeliness represents significant progress as compared to the **58%** rate of timeliness reported in the final FFY 2010 progress report submitted to OSEP on May 2, 2011.

Backlog of Overdue Initial Evaluations: **67%** of children (a) who, as of the end of the previous reporting period, had not been provided a timely initial evaluation and placement (192) and (b) children whose initial evaluation and placement became overdue during the reporting period (176), were provided initial evaluations and placements during the reporting period. The calculation used to derive the percentage is: 248/ (176+192) X 100. This rate of timeliness represents significant progress as compared to the **14%** rate of timeliness reported in the final FFY 2010 progress report submitted to OSEP on May 2, 2011.

Progress Related to the Reduction of the Backlog: Based on the May 2, 2011 final MOA progress report, as adjusted for late data entry, the baseline data for the total number of students in the backlog is **192**. Therefore, the target for reduction of the backlog in this first reporting period is **144** (192-48), which represents a **25%** reduction in of the total.

As evidenced in the above table, the District has exceeded this target by reducing the number of students in the backlog to **120**, demonstrating a **38%** rate of reduction of the total number of students in the backlog as compared to the baseline. This reduction demonstrates OSSE's significant progress in its efforts to accelerate improvement related to this challenge.

OSSE believes that this progress is related to effective technical assistance provided to LEAs in the areas of policy issuance, training, and monitoring. In addition, OSSE continues to provide data tools that allow LEAs to disaggregate data in a way which enables them to correctly identify root causes and allocate resources efficiently.

Reasons for Delays in Conducting Initial Evaluations in a Timely Manner: A review of the data indicates that for this reporting period, the majority of late initial evaluations and placements are due to general delays on the part of the LEA. Parental delays are the second largest cause of delay, followed by the need for evaluators.

Actions the State is taking to Address Noncompliance: OSSE is pleased with the significant gains the District has made in relation to reducing the backlog of overdue initial evaluations. OSSE believes that this reduction is a result of its provision of increased technical assistance to LEAs which includes the regular provision of disaggregated data, technical assistance meetings, ongoing LEA trainings, data system updates, and clarification of key policies, practices and procedures. As noted in its CAP Progress Report #1 for the same period, OSSE has specifically updated its data system and issued State level IEP Process policy to ensure that LEAs are fully aware of, and given the tools to appropriately address, their obligations.

OSSE continues to work with LEAs to conduct a root cause analysis of reasons for LEA delays and to assist LEAs with addressing these issues. OSSE will continue to meet with LEAs with the largest backlogs to review disaggregated data over the course of the next reporting period.

Last, OSSE is also working closely with its Parent Training Center, the State Advisory Panel, and other key partners to ensure that parents are knowledgeable of the evaluation and IEP process and can be actively engaged in, and supported throughout, the process.

2. Compliance with the Requirement to Conduct Reevaluations

Summary of Data for this Reporting Element:

Reporting Period for Reevaluations		4/1/11-9/30/11
A	The number of children who, as of the end of the previous reporting period, had not been provided a timely triennial reevaluation	111
	1. Previous Report Untimely	180
	2. Late Data Entry Adjustment	69
	3. New Untimely	111
B	The number of children whose triennial reevaluation became overdue during the reporting period	128
C	The number of children, from (a) and (b) above, who had been provided triennial reevaluations during the reporting period	174
	1. Old Late	84
	2. New Late	90
D	The number of children who had not been provided a timely triennial reevaluation at the conclusion of the reporting period	65
	1. Old Late	21
	2. New Late	44
E	The average number of days the reevaluations that had not been provided in a timely manner were overdue	55
F	The percent of triennial reevaluations provided to children with disabilities whose reevaluation deadlines fell during the reporting period that were conducted in a timely manner	88%
	1. New Due	1203
	2. Timely	1057
G	The percent of children (a) who, as of the end of the previous reporting period, had not been provided a timely triennial reevaluation (backlog) and (b) whose triennial reevaluation became overdue during the period, that were provided triennial reevaluations during the reporting period	73%

Discussion of Reported Data:

Timeliness: **88%** of reevaluations provided to children with disabilities whose reevaluation deadlines fell within the reporting period were conducted in a timely manner. The calculation used to derive this percentage is $1057/1203$. This rate of timeliness represents progress as compared to the **82%** rate of timeliness reported in the final FFY 2010 progress report submitted to OSEP on May 2, 2011.

Backlog of Overdue Reevaluations: **73%** of children (a) who as of the end of the previous reporting period had not been provided a timely triennial evaluation (109), and (b) whose triennial evaluation became overdue during the reporting period (146), were provided triennial reevaluations during the reporting period. The calculation used to derive the percentage is: $174/(111+128) \times 100$. This rate of timeliness represents significant progress as compared to the **43%** rate of timeliness reported in the final FFY 2010 progress report submitted to OSEP on May 2, 2011.

Progress Related to the Reduction of the Backlog: Based on the May 2, 2011 final MOA progress report, the baseline data for the total number of students in the backlog is **111**. Therefore, the target for reduction of the backlog in this first reporting period is **84**, which represents a **25%** reduction of the total backlog.

As evidenced in the above table, OSSE has exceeded this target, demonstrating a **58%** rate of reduction of the total number of students in the backlog as compared to the baseline. This reduction demonstrates OSSE's significant progress in its efforts to accelerate improvement related to this challenge.

As noted above, OSSE believes that this progress is related to effective technical assistance provided to LEAs in the areas of policy issuance, training, and monitoring. In addition, OSSE continues to provide data tools that allow LEAs to disaggregate data in a way which enables them to correctly identify root causes and allocate resources efficiently.

Reasons for Delays in Conducting Reevaluations in a Timely Manner: A review of the data indicates that for this reporting period, the majority of late reevaluations and placements are due to general delays on the part of the LEA.

Actions the State is taking to Address Noncompliance: OSSE is pleased with the significant gains the District has made in relation to reducing the backlog of overdue reevaluations. OSSE believes that this reduction is a result of its provision of increased technical assistance to LEAs which includes the regular provision of disaggregated data, technical assistance meetings, ongoing LEA trainings, data system updates, and clarification of key policies, practices and procedures. As noted in its CAP Progress Report #1 for the same period, OSSE has specifically updated its data system and issued

a State level IEP Process policy to ensure that LEAs are fully aware of, and given the tools to appropriately address, their obligations.

OSSE continues to work with LEAs to conduct a root cause analysis of reasons for LEA delays and to assist LEAs with addressing these issues. OSSE will continue to meet with LEAs with the largest backlogs to review disaggregated data over the course of the next reporting period.

Last, OSSE is also working closely with its Parent Training Center, State Advisory Panel, and other key partners to ensure that parents are aware of both LEA obligations and their role in the process so that they can actively engage in the reevaluation process.

3. Compliance with the Requirement to Implement Hearing Officer Determinations in a Timely Manner

Summary of Data for this Reporting Element:

Reporting Period for Implementation of Hearing Officer Determinations		4/1/11-9/30/11
A	The number of children whose hearing officer determinations, as of the end of the previous reporting period, had not been implemented within the time frame established by the hearing officer or by the State	9 ³
B	The number of children whose hearing officer determinations had not been implemented within the time frame established by the hearing officer or by the State (became overdue) during the reporting period	16
C	The number of children from (a) and (b) above whose hearing officer determinations were implemented during the reporting period	6
D	The number of children whose hearing officer determinations had not been implemented in a timely manner at the conclusion of the reporting period	19
E	The percent of hearing officer determinations that had been implemented in a timely manner during the reporting period	81%
F	The percent of children whose HODs, as of the end of the previous	24%

³ OSSE previously reported that 11 children had overdue HODs that had not been implemented in a timely manner at the conclusion of the reporting period. The count was subsequently reduced by 1 due to the fact that it was determined that the HOD had been counted twice for the same student. Also, upon review of newly submitted evidence, one other child's HOD that had previously been reported as overdue was subsequently deemed timely implemented, thereby making the number of children with overdue and unimplemented HODs as of the end of the last reporting period 9.

	reporting, had not been implemented within the required timeframe (backlog) and whose HODSs had not been implemented within the required timeframe during the reporting period that had HODs implemented during the reporting period	
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Discussion of Reported Data:

In accordance with OSEP requirements for this benchmark, the data above reflects “hearing officer determinations” and does not include settlement agreements; the benchmark is also calculated on a per child basis, not per hearing officer determination, in cases where the same child has more than one hearing officer determination. A student with multiple HODs within the reporting period is only counted once. If the student has both timely and untimely/overdue HODs, he/she is only counted once as having been overdue.

Timeliness of HODs: **81%** of hearing officer determinations were implemented in a timely manner during the reporting period. This represents improvement as compared to the **73%** rate of timeliness reported in the final FFY 2010 progress report submitted to OSEP on May 2, 2011.

Implementation of Backlog of HODs: **24%** of children who, as of the end of the previous reporting period, had hearing officer determinations that not been implemented within the required time frame (16), and children whose hearing officer determinations had not been implemented within the required time frame during the reporting period (9), had hearing officer determinations implemented during the reporting period. The calculation used to derive the percentage is: $6/(16+9) \times 100$. This represents slippage as compared to the **39%** rate of implementation reported in the final FFY 2010 progress report submitted to OSEP on May 2, 2011. However, OSSE believes that its new state guidelines and targeted training executed this fall will support accelerated compliance with implementation requirements.

Reasons for Delays: A review of the data indicates that for this reporting period, the majority of late HOD implementation is due to general delays on the part of the LEA. Parental delays are the second largest cause of delay.

Actions the State is taking to Address Noncompliance: As detailed in its CAP Progress Report #1, OSSE has taken several steps since the date of the last reporting period to address noncompliance related to this item. OSSE has issued State level guidance to support implementation of required actions related to HOD implementation and provided extensive training on the use of the guidance. OSSE has also augmented its team to ensure a dedicated resource is in place to provide ongoing technical assistance in both the implementation of HODS and the documentation of such implementation. OSSE will continue to review HOD data to determine the root causes for delays and address the delays with each relevant LEA.

4. Demonstration of General Supervision System Reasonably Designed to Correct Noncompliance

Summary of Data for This Reporting Element:

Reporting Period for Verification of Noncompliance		4/1/11-9/30/11
A	The number of findings of noncompliance DC made during FFY 2009 (July 1, 2009-June 30, 2010)	1090
B	The number of findings included in (a) for which the State verified the noncompliance was corrected as soon as possible and in no case later than one year after the State's identification of noncompliance	886
C	The number of findings included in (a) for which the State verified the noncompliance was corrected more than one year after the State's identification of noncompliance (i.e., "subsequent correction")	61

Discussion of Reported Data:

Of 1090 total findings of noncompliance made in FFY 2009 (July 1, 2009- June 30, 2010), 886 (**81.3%**) were verified as corrected pursuant to Memo 09-02 within one year of the data of the issuance of the finding. 61 findings of noncompliance were verified more than one year after the State's identification of noncompliance.

Actions Taken to Verify the Correction of Noncompliance Consistent with OSEP Memo 09-02:

OSSE's 2011-2012 Monitoring Manual was updated to further clarify how the State will use all components of its general supervision system, including data the State receives through its on-site monitoring, LEA self-assessments, the statewide database, State complaints, and due process hearings, to timely identify and notify LEAs of noncompliance and the responsibility to ensure that all such noncompliance is corrected as soon as possible and in no case later than one year after the date of the State's identification of the noncompliance (i.e., written notification to the LEA of the noncompliance).

The updated manual and training, issued in September 2011, continued to reinforce the process for identification and correction of noncompliance in accordance with OSEP Memorandum 09-02. Specifically, the process ensures that when the State collects or receives information indicating noncompliance, the State will: (1) make a finding of noncompliance; or (2) verify whether the data demonstrate noncompliance and then issue a finding if the State concludes the data do demonstrate noncompliance; or (3)

verify that the LEA has corrected the noncompliance, using both prongs of OSEP Memorandum 09-02 (examining updated data to ensure the LEA is correctly implementing the specific regulatory requirements) before determining that the LEA has corrected student level and LEA level noncompliance.

OSSE also took significant steps to ensure that it verifies the correction of noncompliance by verifying that each LEA with noncompliance is correctly implementing the specific regulatory requirements and that each individual case of noncompliance has been corrected unless the child is no longer within the jurisdiction of the LEA, and that it reviews updated data, which may be from subsequent on-site monitoring or data collected with the database, when determining whether an LEA is correctly implementing the specific regulatory requirements.

As detailed in previous submissions, OSSE takes all required actions in order to verify the correction of noncompliance to ensure that each LEA with noncompliance is: (1) correctly implementing the specific regulatory requirements (i.e. achieved 100% compliance) based on a review of updated data, such as data subsequently collected through on-site monitoring or a State data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA consistent with OSEP Memo 09-02.

In FFY 2009, OSSE issued the following student level findings of noncompliance and verified them as corrected within one year of identification:

Monitoring Activity	# of Student Level Findings	# of LEA Level Findings	# of Student Level Findings Corrected in 1 Year	# of LEA Level Findings Corrected in 1 Year
LEA On-site				
Indicator Cluster 3/7	12		12	
Indicator Cluster 5/6	17		17	
Indicator Cluster 8	13		13	
Indicator Cluster 9/10	15		15	
Indicator Cluster 11	9		9	
Indicator Cluster 13	4		4	

Monitoring Activity	# of Student Level Findings	# of LEA Level Findings	# of Student Level Findings Corrected in 1 Year	# of LEA Level Findings Corrected in 1 Year
Nonpublic On-site				
Indicator Cluster 1/2/14	6	5	5	4
Indicator Cluster 3/7	1	7	1	5
Indicator Cluster 5/6	52	25	39	14
Indicator Cluster 8	27	13	24	5
Indicator Cluster - Other	7	5	7	5
Database - Secondary Transition (Indicator Cluster 13)				
March 2010	100	11	49	2
June 2010	94	7	46	2
Database - Evaluation Timeline Review (Indicator Cluster 11)				
June 2010	316	32	306	5
Dispute Resolution - Hearing Officer Decisions				
Year Total	306		293	
Dispute Resolution - State Complaints				
Indicator Cluster 5/6	6		4	
Total	985	105	844	42

In order to address any findings of noncompliance that are not corrected within one year of the State's identification of noncompliance, OSSE utilizes its Quality Assurance & Monitoring Team to follow-up with the LEA to assess whether the LEA is in need of technical assistance and uses its Annual LEA Determinations process to levy appropriate sanctions. Noncompliance identified through information collected for APR reporting, for other U.S. Department of Education reporting, during on-site monitoring visits, during record reviews, during database reviews, for audits, through dispute resolution processes, and from other information available to OSSE is considered in making LEA determinations. In addition, OSSE considers the timely correction of noncompliance identified through these methods in making LEA determinations. Pursuant to IDEA regulations, OSSE imposes the same sanctions on LEAs as the U.S. Department of Education for each Determination level.

5. Compliance with Secondary Transition Requirements

Summary of Data for This Reporting Element:

Secondary Transition Compliance Item	% Compliant 2/1/11- 3/31/11	% Compliant 4/1/11-9/30/11
Total # of Files with All Items Compliant	12%	21%
Total # of LEAs Reviewed	12	11
Number of LEAs in Compliance	2	3

Discussion of Reported Data:

OSSE's review of a sample of 100 IEPs for required secondary transition content for the first CAP reporting period was completed on October 14, 2011. DSE will notify LEAs of the findings of this review by December 14, 2011. OSSE will issue findings of noncompliance to 8 of the 11 LEAs reviewed. These reports provide written notification to LEAs to correct identified noncompliance as soon as possible and in no case later than one year from identification. These reports also include corrective action plans for LEAs pursuant to each identified area of noncompliance. The remaining 3 LEAs met the compliance level of 100%. Two LEAs that met the compliance level of 100% in the previous reporting period maintained their 100% compliance level. The third LEA met the compliance level of 100% compliance for the first time and their previous LEA-level findings of noncompliance will be closed by December 14, 2011. Twenty-one percent (**21%**) of IEPs reviewed included the required secondary transition content, representing progress from the prior reporting period in which twelve percent (**12%**) of IEPs reviewed included the required secondary transition content.

OSSE believes that this progress is the result of monitoring, training, and technical assistance provided to LEAs to support compliance. OSSE also notes its role in leading the State Secondary Transition Community of Practice (CoP) to support a culture of increased accountability and urgency related to the need to ensure post-secondary success for youth with disabilities.

OSSE is dedicated to continuing to provide targeted technical assistance to LEAs regarding secondary transition content until the State reaches 100% compliance with secondary transition content. OSSE is committed to continuing this practice until LEAs are able to demonstrate substantial compliance with all secondary transition requirements.

6. Compliance with Early Childhood Transition Requirements

Summary of Data for This Reporting Element:

a. # of children who have been served in Part C and referred to Part B for Part B eligibility determination	179 149
b. # of those referred determined to be NOT eligible and whose eligibility was determined prior to third birthday	18
c. # of those found eligible who have an IEP developed and implemented by their third birthdays	75 74
d. # for whom parent refusals to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR §300.301(d) applied	15
e. # of children who were referred to Part C less than 90 days before their third birthdays.	4
# in a but not in b, c, d, or e	67 38
Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays Percent = $[(c)/(a-b-d-e)] \times 100$	53% 66%

Discussion of Reported Data:

Account for children included in a, but not in b, c, d, or e: 67 38 children who were served in Part C and referred to Part B for Part B eligibility determination did not have IEPs developed and implemented by their third birthdays.

Indicate the range of days beyond the third birthday and the reasons for the delays: the range of days beyond the third birthday for a student to have an IEP developed and implemented is 3 – 180 days.

The majority of late early childhood transitions are due to general delays on the part of the LEA, followed by parental delays.

Timeliness: A review of the data from this reporting period indicates an overall rate of timeliness of 53 66%, which represents ~~slippage~~ improvement from the rate of timeliness of 64.3% as reported in the previous report submitted to OSEP on May 2, 2011. ~~While OSSE noted that the previous report was cumulative (from July 1, 2010 to March 31, 2011) and this reporting period spans the summer months, during which many LEAs are not in session and/or fully staffed, OSSE is in the process of investigating~~

~~the root causes for delays with relevant LEAs to ensure compliance with IDEA requirements regardless of whether the LEA is in session and/or fully staffed. Based on this review, OSSE will refine its targeted technical assistance strategies.~~

Following its initial submission of this Progress Report, OSSE investigated what appeared to be slippage in its rate of timeliness and identified a calculation error. Specifically, OSSE's initial calculation included all students served by Part C rather than the data set of those children transitioning from Part C to Part B. The corrected calculation results in an overall improvement in our timeliness reporting.

OSSE's Part C leadership team continues to meet regularly with DCPS Early Stages staff to review early child transition issues and data to proactively address challenges.

II. Certification

This report reflects OSSE's good faith efforts in reporting accurate and reliable data to the extent possible and was reviewed by several members of the OSSE to ensure a full and comprehensive submission.

The District of Columbia Assistant Superintendent of Special Education, Amy Maisterra, hereby certifies that this report is complete and appropriate for submission to the Office of Special Education Programs.